

Serial No. 09/771,692

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-17 are pending in the present application. Claims 1, 6, 10 and 12-16 are amended and new claim 17 is added by the present amendment.

I. Status of the Drawings

Item 1 at page 2 of the outstanding Office Action states "this application has been filed with drawings that are considered informal. . . ." However, it is respectfully submitted Figs. 1-31 as originally filed January 30, 2001 comply with the requirements for formal drawings set forth in the MPEP. Further, a replacement sheet is submitted to correct a minor informality in Figure 18A.

Accordingly, it is respectfully requested the appropriate box under item 10 of the Office Action Summary include an indication of acceptance of the drawings in the next office communication.

II. Rejection Under 35 U.S.C. § 101

Claims 1, 3-5, 7-10 and 13-16 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. This rejection is respectfully traversed.

Independent claim 1 recites an "advertising method for distributing advertisements to user terminals on a network from an awareness device," which sets forth technological features at least with regard to the user terminals, network and awareness device. Further, amended independent claim 1 recites "distributing to a user terminal used by a secondary user the symbol representing the primary user's status via the network." It is respectfully submitted independent claim 1 thus amended further sets forth technological features, in compliance with 35 U.S.C. § 101.

Similarly, it is respectfully submitted amended independent claim 13 recites "the awareness server communicatively connected to at least one user terminal via a network" and "distributing to the at least one user terminal . . . via the network," which is also believed to comply with 35 U.S.C. § 101. Independent claims 14-16 are also amended in light of the comments noted in the outstanding Office Action.

Accordingly, it is respectfully requested this rejection be withdrawn.

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III. Rejections Under 35 U.S.C. § 103

Claims 1-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,892,900 to Ginter et al. (herein "Ginter"). This rejection is respectfully traversed.

Independent claim 1 is directed to an advertising method for distributing advertisements to user terminals on a network from an awareness device for managing user status, and recites "storing as a user status-setting alternative a symbol representing an advertiser," "accepting from a primary user a request to use the symbol as a self-status designation," and "distributing to a user terminal used by a secondary user the symbol representing the primary user's status via the network." Independent claims 12-16 include similar features.

In a non-limiting example, a mobile phone can display an icon representing a user status. The status refers not only to an icon showing an advertisement such as an emblem of a company, but also to a message showing a location of the user of the mobile phone such as "aboard a train," "driving a car," etc. (see the specification at page 2, lines 3-11). When a friend uses a communication system such as ICQ or AOL Instant Messenger, an awareness device can obtain the icon displaying the advertisement from the mobile phone of the user or a web site (see the specification at page 24, line 24 to page 25, line 5). Incentives for the user to use the icon displaying the advertisement, such as coupons, are offered based on a display of the icon having the advertisement or a tally of the number of referrals to the icon having the advertisement (see the specification at page 25, lines 19-25).

As an advantage, highly effective advertisement takes place because a friend of the user is more likely to accept the advertisement after receiving the icon from the user. Further, even more effective advertising occurs as reputation spreads by word of mouth because the icon of the advertiser is displayed as the status of a buddy on the friend's buddy list (see the specification at page 21, lines 6-13).

In contrast, Ginter only discusses systems and methods for electronic commerce including secure transaction management and electronic rights protection using a "distributed virtual distribution environment (VDE)" used to enforce a secure chain of handling and control. Also, Ginter only discusses such a VDE system used between offices, consumers, authors, video production studios, and publishing houses interconnected by telephone, satellite or cable television lines. Unlike the pending claims, Ginter does not discuss or suggest advertisement at all, but only discusses secure electronic commerce transactions using the VDE system.

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In further contrast, Ginter does not discuss or suggest at least "a symbol representing an advertiser," as recited in independent claim 1, for example. Ginter also does not discuss or suggest "accepting from a primary user a request to use the symbol as a self-status designation," nor "distributing to a user terminal used by a secondary user the symbol representing the primary user's status via the network," as recited in independent claim 1.

Accordingly, it is respectfully submitted independent claims 1 and 12-16 and each of the claims depending therefrom patentably distinguish over Ginter.

Moreover, it is respectfully submitted claims 2-11 depending on independent claim 1 each further patentably distinguish over Ginter. For example, claim 11 recites "by storing the advertiser's symbol in a device installed in an outlet for the advertiser and wirelessly sending the symbol to a user terminal, the symbol of the advertiser is set as the user status when the user visits the outlet." In contrast, Ginter only discusses a virtual distribution environment in which electronic commerce participants are interconnected by telephone, satellite or cable television lines. However, Ginter does not discuss or suggest wirelessly sending an advertiser's symbol to a user terminal nor setting a user status to the symbol of the advertiser when the user visits an outlet for the advertiser, as recited in claim 11. Dependent claims 2-10 also recite distinguishing features.

Accordingly, it is respectfully submitted dependent claims 2-11 further patentably distinguish over Ginter.

IV. Amendments to the Claims, Specification and Drawings

In addition, claims 1, 6, 10 and 12-16, the specification and Fig. 18A are amended only to correct minor informalities and to better conform to standard patent practice. It is believed no new matter is added.

V. New Claim

New claim 17 is added to set forth the invention in a varying scope. New claim 17 includes similar features to amended independent claim 1, and is believed to be allowable at least for similar reasons as independent claim 1.

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VI. Conclusion

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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